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| 09/673,518      | 12/06/2000  | Masayuki Takahashi   | 2000-1416A          | 7609             |

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2161

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/673,518

Applicant(s)

TAKAHASHI, MASAYUKI

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Claim Status***

Claims 16-19 are pending. Claims 1-15 and 20-26 are canceled. Claims 16-19 are rejected as detailed below.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No. 5,675,769 issued to Ruff et al (hereafter Ruff ).

**Claim 16:**

Ruff discloses a digital data recording/reproduction method for recording and reproducing digital data in units of clusters, which are each the smallest unit of data recording on a disk recording medium, said method comprising:

- constructing a file structure on the disk recording medium in which recordable clusters are connected in advance of starting data recording [data is removed from disk before altering partition table, col 4, lines 16-35];
- recording digital data from the head of the recordable clusters [data copied to disk, col 4, lines 40-44]

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- constituting, as a recorded file, the digital data from a recording head cluster to a recording end cluster [system indicator 50 identifies file, col 3, lines 17-35].

Claim 17:

Ruff discloses detecting, when an abend occurs during said recording digital data from the head of the recordable clusters, the abend of data recording after recovery from the abend; and constituting, as a recorded file, the digital data which has been recorded from the start of data recording to the abend on the basis of format information of the digital data [col 8, lines 34-53].

Claims 19:

Ruff discloses wherein the format information of the digital data is time information [col 5, lines 60-65]

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruff in view of US Pat No. 4,103,338 issued to Cizmic et al (hereafter Cizmic)

Claim18:

Ruff discloses the elements of claims 16 and 20 as noted above.

Ruff fails to disclose wherein the format information of the digital data is a sync byte of a transport packet.

Cizmic discloses wherein the format information of the digital data is a sync byte of a transport packet [Fig 21]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ruff to include wherein the format information of the digital data is a sync byte of a transport packet as taught by Cizmic.

The ordinarily skilled artisan would have been motivated to modify Ruff as above for the purpose of providing a point of reference for the synchronizing of two or more operations.

### ***Response to Arguments***

Applicant's arguments filed 10/4/2004 have been carefully considered but they are not persuasive.

#### **Applicant Argues:**

Applicant states in the sixth paragraph on page 5 "Using such conventional methods to modify a partition table, Ruff et al. discloses that all necessary user and system data are copied off the disk to a temporary storage location such as a tape or another disk (see column 4, lines 26-29). Accordingly, Ruff et al. discloses that when disk partition tables are modified according to the conventional methods, the existing data that is recorded on the disk is removed from the disk prior to altering the partition table. Copying existing data that is recorded on the disk whose partition is meant to be altered clearly does not amount to constructing a file structure, when

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recording data which is not yet recorded on a disk, on a disk recording medium in which recordable clusters are connected in advance of starting recording, as recited in claim 16.”

**Examiner Responds:**

Examiner is not persuaded. The claim limitations are clearly mapped to the relevant disclosure by Ruff in above office action. However, for the sake of resolving above confusion on the part of the applicant, examiner will once again go through claim 16, limitation by limitation.

Applicant claims “constructing a file structure, when recording data which is not yet recorded on a disk, on the disk recording medium in which recordable clusters are connected in advance of starting data recording.”

Consider the following disclosure by Ruff, i.e., column 4, lines 15-45:

It is sometimes desirable to alter the contents of an IBM-compatible partition table. For instance, a person using a computer may wish to expand a particular partition to allow additional data to be stored in files within that partition. Conversely, the user may wish to shrink a specified partition by allocating fewer disk sectors to the partition. It may also be convenient or necessary to move a partition to a different location on the disk while substantially or exactly preserving the number of disk sectors allocated to the partition.

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One conventional approach to modification of an IBM-compatible partition table begins by copying all necessary user and system data off the disk to a temporary storage location such as a tape or another disk. The data copied includes without limitation the contents of files created by the user such as textual documents and spreadsheets, the contents of files required to run applications such as word processors, and system data such as directory information. Some internal file system data such as sector allocation maps does not necessarily need to be copied, but is often copied anyway. The familiar disk utility FDISK is then used to update the IBM-compatible partition table. The newly specified partition is then formatted with the familiar disk utility FORMAT or a similar utility. Finally, the data is copied back into the new partition on the disk. During this copying process the file system copy utility creates appropriate new file system structures reflecting the current locations of data on the disk.

Ruff discloses above, a conventional approach which copies all necessary user and system data off the disk to a temporary storage location such as tape or another disk. Ruff

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discloses removing data from the disk and this reads on the claim 16 limitation “when recording data which is not yet recorded on a disk.”

Ruff discloses the familiar disk utility FDISK is then used to update the IBM-compatible partition table and then the newly specified partition is formatted with the familiar disk utility FORMAT or a similar utility. Ruff’s disclosure of formatting a disk reads on the claim 16 limitation “constructing a file structure [ ..... ] on the disk recording medium in which recordable clusters are connected in advance of starting data recording.”

Ruff discloses, finally, the data is copied back into the new partition on the disk which clearly reads on the claim 16 limitation “recording digital data from the head of the recordable clusters.”

**Applicant Argues:**

Applicant on pages 6-11 reiterates the arguments considered above.

**Examiner Responds:**

Applicant is referred to above response by examiner.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

5/11/2005



**MOHAMMAD ALI**  
**PRIMARY EXAMINER**